

A RESOLUTION

01- *R* -1421

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE  
AMOUNT OF \$7,564.50 IN SETTLEMENT OF THE CLAIM OF  
FRANK TIZEDES AGAINST THE CITY OF ATLANTA**

**WHEREAS**, FRANK TIZEDES has filed a claim against the City of Atlanta seeking damages arising out of property damages sustained when a hazardous and dangerous tree fell on this property on January 3, 2001 located at 322 Garden Lane; and

**WHEREAS**, the City received notice of the hazardous condition of this tree in August, 2000 but failed to take appropriate action; and

**WHEREAS**, the City has removed this tree and it is no longer a hazard; and

**WHEREAS**, the claimant has asserted damages in the amount of \$21,269.50, but has agreed to accept the sum of \$7,564.50 in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

**WHEREAS**, the City Attorney has recommended that the claim of FRANK TIZEDES be settled for the sum of \$7,564.50.

**THEREFORE, BE IT RESOLVED** that the Council of the City of Atlanta, Georgia that \$7,564.50 be paid by the City of Atlanta in satisfaction of any and all claims FRANK TIZEDES may have stemming from damages sustained to his on or about January 3, 2001 at 322 Garden Lane.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer be and hereby authorized to pay the above-mentioned sum from account number 1A01/529017/T31001.

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0377

Date: 8/27/01

Claimant /Victim FRANK TIZEDES

BY: (Atty) \_\_\_\_\_

Address: 322 Garden Lane Atlanta, Georgia 30309

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 21,269.50 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 5/21/01 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 1/3/01 Place: 322 Garden Lane

Department PRCA Division: Parks

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** The claimant alleges that he sustained damages when a hazardous tree situated on City property fell and caused extensive damages to his property. The City received notice of the hazardous condition of this tree in August, 2000 but failed to take appropriate action. The City has removed this tree and it is no longer a hazard.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant X Other X Written X Oral X

Pictures X Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement X

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - ALEXIS HOLMES

### RECOMMENDATION:

Pay \$ 7,564.50 Adverse \_\_\_\_\_ Account charged: 1A01 X 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 08-30-01

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
CLERK OF COUNCIL  
City Hall  
55 Trinity Street, S.W.  
Atlanta, Georgia 30335

RECEIVED

MAY 21 2001

RE: CLAIM FOR DAMAGES

Today's Date: May 2, 2001

Holmes  
06/11/01  
*[Signature]*

MUNICIPAL CLERK

ENTERED - 06-12-01 - DP  
01L0377 - ALEXIS HOLMES

Dear Clerk of Council:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of approx.  
\$ 16,469.50 property and/or \$ NO bodily injury for which I contend the City is liable.

1. Date of incident: January 3, 2001 2. Police Called: Yes X  
(month / day / year) Yes No
3. Location of incident: Loring Heights Park and 322 Garden Lane
4. Name of your insurance company: Allstate Policy No.: 1 10 169077 10/17

5. State what and how incident occurred: On June of 2000, lightening struck the large oak tree in the Loring Heights Park across from our property, tearing the tree in half. The initial damage crushed the neighborhood park equipment and exposed a very dangerous situation leaving the tree weak and damaged.

Though the tree was severally damages it was not removed, even after several requests to do so were made.

A number of residents called the city to have the tree removed because it possed a GREAT threat from falling.

As the Loring Heights Parks and Beautification Chair, I followed up several times with both the Bureau of Parks and the Atlanta Forestry Division requesting the tree be removed.

January 3, 2001(may have been the 2nd of January) approx. 2 am there was a very large noise and flash followed by sparks and buzzing from the downed power lines; the tree had fallen and ripped through our yard, crushing our yard, pool equipment and fencing and caused damage to our pool. Power lines were ripped from the neighboring homes and a utility pole was snapped in half. I phoned the power company and the Rep. Clare Mullers' office. Both were out early that morning to repair and clean up. The tree was removed immediately from the yard and street. Since the incident occured approx. 2am, I am not

sure if lightening struck of it simply fell due to the sever damage cause by the initial lightening strike. I was told by Carolyn @

Rep. Clare Mullers office to complete the "Claims Damage form" .

6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. tHE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

7. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: \_\_\_\_\_  
(make) (year) (tag

number) (driver's name)

City vehicle: \_\_\_\_\_  
(make) (City driver's name) department/bureau)

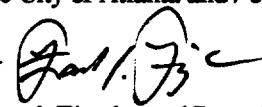
8. Witness: Frank Tizedes 322 Garden Lane 707-769-8276  
(name) (address) (telephone number)

Witness: Peter Giordano 322 Garden Lane 707-769-8276

	(name)	(address)	(telephone number)
Witness:	<u>Chris Yokum</u>	<u>Garden Lane</u>	<u>404-733-6293</u>
	(name)	(address)	(telephone number)
Witness:	<u>Jim Rust</u>	<u>340 Garden Lane</u>	<u>404- 875-5677</u>
	(name)	(address)	(telephone number)
Witness:	<u>Allan and Thris Carr</u>	<u>1590 Steele Drive</u>	<u>404-874-5934</u>
	(name)	(address)	(telephone number)
Witness:	<u>Tony Jones</u>	<u>314 Garden Lane</u>	<u>404-874-6571</u>
	(name)	(address)	(telephone number)
Witness:	<u>Robert Norris</u>	<u>366 Garden Lane</u>	<u>404-872-1770</u>
	(name)	(address)	(telephone number)

9. The acknowledgement of this claim in no way waives the Governmental immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).
10. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE

  
Frank Tizedes and Peter Giordan

(claimant's name)

322 Garden Lane

Atlanta, Georgia, 30309

707-529-8031

707-769-8276

(work number)

(home number)

Damage	Estimates	Company
Pool Repair: *	Awaiting estimate	Chattahoochee Pools, Inc.
Yard Drain Pipe: *	Awaiting estimate	The Handy Man Company
Pool Equipment:	\$8,140.00	Chattahoochee Pools, Inc.
Pool Equipment Fence:	\$ 685.00	Earth Colors, Inc.
Landscape:	\$7,564.50	Grasshopper Landscape Services, Inc.
Yard Fence:	\$ 80.00	Earth Colors, Inc.

- \* Damage was not immediately noticable due to debris and we are expecting cost estimates soon. Once available they will be forwarded on to you.